

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8329 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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AMRATLAL TRAMBAKLAL SANGHVI

Versus

BIPINCHANDRA BHAILAL DOSHI

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Appearance:

None present for Petitioner

MR JAYANT PATEL for Respondent No. 1

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/10/97

ORAL JUDGEMENT

The matter was called out for hearing in the first round, then in the second round and lastly in the third round. But none put appearance for the petitioner.

Heard learned counsel for the respondent. Perused the Special Civil Application.

The petitioner by this Special Civil Application under Article 227 of the Constitution challenges the order of the Labour Court, Rajkot, in Recovery Applications No.1965 of 1986 and 776 of 1988 under which the Labour Court has computed the monetary benefits which are found payable to the respondent workman in pursuance of the award made in favour of the respondent workman. The said award has been passed in favour of the respondent workman on 21.7.1986 and the petitioner is directed to reinstate the respondent workman in the service to his original post with continuity of service and with full backwages minus Rs.2400/-. This award has been challenged by the petitioner before this Court and it has been pointed out that the Special Civil Application filed by the petitioner has been dismissed by this Court. When the award is there and the petitioner has not complied with the same, the respondent workman has all the right to approach the Labour Court for computation of the benefits under the provisions of Section 33 (C) of the Industrial Disputes Act, 1947. After considering the basic grounds of challenge to the order impugned in this Special Civil Application I do not find any error apparent on the face of the order of the Labour Court which calls for any interference of this Court.

Industrial Disputes Act, 1947 is a Special Legislation designed to settle the disputes in relation to employer and the workman. The Legislature in its wisdom not provided for appeal or revision to this Court against the decision/award of the Labour Court or Industrial Tribunal as the case may be. The object is to give finality to the decision/award of the Labour Court or Industrial Tribunal as the case may be.

This Court under Article 227 of the Constitution cannot assume unlimited prerogative to correct the spices of hardship or wrong decisions. Exercise of powers of this Court under Article 227 of the Constitution are restricted to correct grave dereliction to duty and flagrant abuse of fundamental principles of law or justice. Unless it is shown that grave injustice would be done if this Court does not interfere the powers of this Court under Article 227 of the Constitution are not available against the awards of the Tribunal or Labour Court given in the matter of Industrial Disputes unless the award is perverse or the Labour Court/Tribunal has misread the evidence or the order is based on no evidence or where it has committed some glaring procedural error which cause prejudice to the petitioner this Court would not interfere. After going through the translated version of the order of the Tribunal I do not find any of

the aforesaid defects in the said order. It is a just and reasonable order passed by the Labour Court and exercise of the power by this Court to interfere in the matter then it will cause hardship and prejudice to the respondent workman. Taking into consideration the totality of facts of the case, this Special Civil Application fails and the same is rejected.

In pursuance of the order of this Court, the petitioner has deposited in the Court Rs.20,000/- and that has been put in Fixed Deposit Receipt. Vide order dated 26.9.1997 the Fixed Deposit Receipt was ordered to be renewed together with the accrued interest thereon for one year effective from 18.8.1997. As this petition fails this amount is to be given to the respondent workman. The office is directed to get the amount of the Fixed Deposit Receipt withdrawn from the bank and pay the same to the respondent workman forthwith.

Rule is discharged with no order as to costs.